

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF TELECOMMUNICATION AND ENERGY

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| Investigation by the Department of Telecommunications       | ) |              |
| and Energy on its own Motion into the Appropriate Pricing,  | ) |              |
| based upon Total Element Long-Run Incremental Costs,        | ) | D.T.E. 01-20 |
| Part A-A for Unbundled Network Elements and Combinations of | ) |              |
| Unbundled Network Elements, and the Appropriate Avoided     | ) |              |
| Cost Discount for Verizon New England, Inc.                 | ) |              |
| d/b/a Verizon Massachusetts' Resale Services in the         | ) |              |
| Commonwealth of Massachusetts                               | ) |              |

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**VERIZON MASSACHUSETTS MOTION FOR CLARIFICATION**

Verizon Massachusetts ("Verizon MA") submits this Motion for Clarification of the Department's January 14, 2003 Order (the "*Reconsideration Order*") in this proceeding. The *Reconsideration Order* addressed the parties' motions for reconsideration and clarification of the Department's July 11, 2002 Order in D.T.E. 01-20 Part A (the "*Initial TELRIC Order*").<sup>1/</sup> Among other issues, the Department ruled on AT&T's request for clarification concerning the availability of alternatives to the current hot cut process for CLECs. *Reconsideration Order*, at 139. Verizon MA requests further clarification of the Department's hot cut findings and directives.

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<sup>1/</sup> The Department issued an initial Order on Reconsideration on September 24, 2002 in response to the parties' motions for reconsideration and clarification. *Order Granting Verizon and AT&T Motions for Reconsideration, in Part, and Requesting Additional Evidence* (the "*September 24 Order*"). There the Department found the existing record "may be insufficient to render a determination on the substantive merits of the parties' motions" concerning four issues: (1) RTU fees; (2) the ratio of new to existing switches; (3) the switch discount; and (4) DC power distribution cable length. *September 24 Order*, at 13. The Department conducted additional evidentiary hearings on these issues. The *Reconsideration Order* decided those issues together with the remaining issues raised in the parties' motions for reconsideration and clarification of the *Initial TELRIC Order*.

## **I. STANDARD OF REVIEW**

The Department's standard for reviewing a motion for clarification of its decisions is well established. The purpose of a motion for clarification is to remove ambiguity or uncertainty arising out of the Department's decision on a material issue in the case:

Clarification of previously issued orders may be granted when an order is silent as to the disposition of a specific issue requiring determination in the order, or when the order contains language that is sufficiently ambiguous as to leave doubt as to its meaning. *Boston Edison Company*, D.P.U. 92-1A-B at 4 (1993); *Whitinsville Water Company*, D.P.U. 89-67-A at 1-2 (1989). Clarification does not involve reexamining the record for the purpose of substantively modifying a decision. *Boston Edison Company*, D.P.U. 90-35-A at 3 (1992), citing *Fitchburg Gas & Electric Light Company*, D.P.U. 18296/18297 at 2 (1976).

*Order on Motions for Reconsideration, Clarification, Extension of Time, and Extension of Judicial Appeal Period, and Request for Reexamination of Compliance Filing. Investigation by the Department on its own motion as to the propriety of the rates and charges set forth in M.D.T.E. No. 17, filed with the Department by Verizon New England, Inc. d/b/a Verizon Massachusetts on May 5 and June 14, 2000, to become effective October 2, 2000, D.T.E. 98-57, Phase III-A at 53-54 (Jan. 8, 2000).*

## **II. REQUEST FOR CLARIFICATION**

In the *Initial TELRIC Order*, the Department directed Verizon MA to make certain modifications to the development of its forward-looking hot cut costs. *Initial TELRIC Order*, at 493. The Department instructed Verizon MA to examine the components of the hot cut process and to “develop a less costly alternative for CLECs that Verizon [MA] would offer as an alternative to the hot cut process modeled in

Verizon [MA]’s NRCM [nonrecurring cost model].” *Id.*, at 499. The Department cited the description of a two-tier hot cut approach available in Texas:

SWBT [Southwestern Bell Telephone] makes available two hot cut processes: the fully coordinated hot cut (CHC) process and the frame due time (FDT) hot cut process. CHC orders are manually handled in SWBT’s order processing center and require intensive coordination and communication between SWBT and the competing carrier during the actual cutover from SWBT to the competing carrier. FDT hot cuts require both SWBT and the competing carrier to perform necessary work at pre-arranged times, with no communication required at the time of the hot cut.

*Initial TELRIC Order*, at 500, citing *Texas 271 Order*, at ¶ 259. The Department directed Verizon MA to fashion an alternative hot cut process, ordering Verizon MA to “submit two hot-cut coordination options.” *Id.* According to the Department, the second alternative would permit CLECs: (1) to minimize service disruptions to customers; (2) to reduce or eliminate the need for manual processing; (3) to eliminate the need for communications required during the actual cutover; and (4) to purchase a less costly alternative. *Id.*, at 492, 499-500. The Department determined that, the two-tier approach allows the CLECs to choose between the two approaches, and permits Verizon MA to recover its costs, regardless of which process each CLEC selects. *Id.*

AT&T sought “clarification” of the Department’s *Initial TELRIC Order* requesting the Department to order Verizon MA to implement a third “high volume” hot cut alternative. *Reconsideration Order*, at 139, 146. The Department rejected AT&T’s request, indicating that its findings in the *Initial TELRIC Order* did not include “the high volume hot cut process proposed by AT&T . . .” *Id.*, at 146. Instead, the Department

indicated that its earlier findings on an alternative hot cut process were reflected in its earlier discussion of the SBC model. *See Reconsideration Order*, at 146.

Verizon MA requests clarification of the *Reconsideration Order* concerning the alternative hot cut process to be offered by Verizon MA to CLECs. Although SBC adopted a specific FDT process, there are a variety of comparable provisioning systems available that provide the same or enhanced benefits to CLECs at potentially lower cost to CLECs and are consistent with the hot cut provisioning goals described by the Department. In the *Initial TELRIC Order*, the Department directed Verizon MA:

to examine carefully the components of the hot cut process  
and to develop a less costly alternative for CLECs that  
Verizon [MA] would offer as an alternative to the hot cut  
process modeled in Verizon [MA]’s NRCM.

*Initial TELRIC Order*, at 499 (footnote omitted). Accordingly, Verizon MA requests clarification that it may submit for Department review an alternative hot cut provisioning system that is the result of the examination of available alternatives required by the Department in the *Initial TELRIC Order*, and that may not precisely track each of the specific mechanisms and procedures adopted by SBC. Because of differences between the systems used by Verizon MA and SBC, there will inevitably be some differences in the way the hot cut process is implemented. Verizon MA believes that it was the intent of the Department’s *Initial TELRIC Order* that Verizon MA adopt a low-cost alternative that relies on mechanized systems, rather than manual coordination and communications during the hot cut process. Such an alternative would be consistent with the overall description of the SBC FDT process cited by the Department as well as the provisioning goals identified by the Department in the *Initial TELRIC Order* by minimizing manual coordination and communications during the hot cut process.

Indeed, Verizon has been pursuing process improvements to the hot cut process for some time, including the introduction of a simplified hot-cut process, and the more recent implementation of the Web-based WPTS (Wholesale Provisioning Tracking System). WPTS is a web-based system that provides CLECs with the current status of service orders, thus allowing for easy identification and resolution of problem orders. It also establishes web-based communication with Verizon's provisioning centers and central office technicians. WPTS allows cuts to virtually flow directly to the frame with minimal, if any, manual processing in the RCCC. The only thing Verizon needs to ensure is that the CLEC gives us an indication that they are ready to accept the cut and perform the LNP activation.

Accordingly, Verizon MA requests that the Department clarify its orders and indicate that Verizon MA's compliance with the hot cut requirements set forth in the *Initial TELRIC Order* and the *Reconsideration Order* does not require Verizon MA to propose an alternative hot cut process that is identical to that implemented by SBC, but that the details of the alternative proposed by Verizon MA meet the goals articulated by the Department in the orders. The proposal would, of course, be subject to comment by CLECs during the compliance phase of the proceeding, and, ultimately, Department review and approval.

### III. CONCLUSION

For the foregoing reasons, Verizon MA's Motion for Clarification should be granted.

Respectfully submitted,

VERIZON MASSACHUSETTS

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Bruce P. Beausejour  
Verizon Massachusetts  
185 Franklin Street, 13<sup>th</sup> Floor  
Boston, Massachusetts 02110-1585  
(617) 743-2445

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Robert N. Werlin  
Stephen H. August  
Keegan, Werlin & Pabian, LLP  
21 Custom House Street  
Boston, Massachusetts 02110  
(617) 951-1400

Catherine Kane Ronis  
Lynn R. Charytan  
Samir C. Jain  
Wilmer, Cutler & Pickering  
2445 M Street, NW  
Washington, DC 20037-1420  
(202) 663-6000

Hesser G. McBride, Jr.  
Frederick J. Dennehy  
Wilentz, Goldman & Spitzer  
90 Woodbridge Center Drive  
Woodbridge, New Jersey 07095  
(732) 636-8000

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